

APPROVED: Meeting No. 19-92

ATTEST: 

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 16-92

April 27, 1992

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on April 27, 1992, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember Rose G. Krasnow

Councilmember James T. Marrinan

Councilmember David Robbins

ABSENT

Councilmember James F. Coyle (Business Travel)

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Re: City Manager's Report

1. The process of developing the FY93 budget continues, and staff is beginning to issue a series of addenda, the first of which was issued today. This represents a collection of items of information which have been developed since the publication of the proposed budget, including a number of housekeeping amendments and up-to-date and revised CIP sheets. The budget process continues next week with public hearings scheduled for Tuesday, May 5, and Tuesday, May 12.

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2. On April 17, Public Works implemented a new phase of Super Service Phase II, citywide collection of yard waste by contract and, despite some initial confusion expressed by a few customers, the process has run fairly smooth.

3. Last weekend, the Public Works Department supported the Christmas in April program. Fifty homes were scheduled for repairs and rehabilitation, 11 of which were in the City of Rockville. Three City vehicles and drivers collected debris from the site for transport to the landfill.

4. The annual Arbor Day celebration was held on Friday, April 24, and was very successful. Former Councilmember Viola Hovsepien accepted, on behalf of the City, Rockville's Tree City USA designation. The new Champion Tree Program was recognized, and a register describing these trees was distributed.

5. This past weekend was the beginning of the Rockville Baseball Association season. Eighty four teams participated in opening day ceremonies along with the Mayor and Council.

6. When Greg Bayor, Director of Recreation and Parks, left the City to accept a new position in Elgin, Illinois, a national search was conducted for his replacement. Over 100 applications were received, and Mr. Romer expressed pleasure in announcing the appointment of Burt Hall to this position. Mr. Hall, currently Superintendent of Recreation Services, competed among the top professionals in the country for this position and will well serve the needs of this department.

Mayor Duncan commented that Mr. Hall is a popular choice for the position, and he looks forward to working with him. He has done a tremendous job in the past, especially during this interim period, and has exhibited a great deal of leadership in the department.

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Re: Proclamation declaring the week of April 26 through May 3, 1992, as the **DAYS OF REMEMBRANCE OF THE VICTIMS OF THE HOLOCAUST.**

Proclamation No. 7-92

By a unanimous vote of the Mayor and Council, the week of April 26 through May 3, 1992, was declared "Days of Remembrance of the Victims of the Holocaust" in Rockville. Councilmember Robbins read the Proclamation, the full text of which can be found in Proclamation File No. 7 of the Mayor and Council. Rabbi Jack Luxemburg of Temple Beth Ami accepted the Proclamation and thanked the Mayor and Council for this courageous reminder of the need to eradicate racism.

Re: Proclamation declaring April 28, 1992, as **NATIONAL YOUTH SERVICE DAY** in Rockville.

Proclamation No. 8-92

By a unanimous vote of the Mayor and Council, April 28, 1992, was declared "National Youth Service Day" in Rockville. Councilmember Krasnow read the Proclamation, the full text of which can be found in Proclamation File No. 7 of the Mayor and Council. Representatives from Richard Montgomery and Wootton High Schools S.H.O.P. (Students Helping Other People) Groups accepted the Proclamation and outlined the functions of the S.H.O.P. Groups.

Re: Proclamation declaring May 9, 1992, as **ACROSS AMERICA TENNIS DAY** in Rockville.

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Proclamation No. 9-92

By a unanimous vote of the Mayor and Council, May 9, 1992 was declared "Across America Tennis Day" in Rockville. Councilmember Marrinan read the Proclamation, the full text of which can be found in Proclamation File No. 7 of the Mayor and Council. Dee McNelis, Rockville Gazette Open Tennis Tournament Director, accepted the Proclamation and informed the audience that the annual tennis tournament will begin on June 5.

At this time, Mayor Duncan announced that the Rockville girls who participated in the Pinneberg Basketball Exchange in Germany arrived home today. They had a very successful trip in terms of friendships developed and experiences and will be coming in soon to make a presentation.

Re: Presentation by Robert
Lochhead, Rockville
Postmaster, on the "Carrier
Alert Program."

Helen Roberto, Chairperson, Senior Citizens Commission, and Robert Lochhead, Rockville Postmaster, announced that they are co-sponsoring the **Carrier Alert** program. This program, designed to protect the well-being of senior citizens and disabled residents, establishes a system whereby Rockville route postal carriers will notify the Senior Social Services office when there is an accumulation of mail in a participating resident's mailbox.

Re: Citizens Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished to address the Mayor and Council.

1. Tim Knobloch, Montgomery County Association of Realtors, referenced agenda item 18, establishment of an affordable housing demonstration program, and indicated that the Association is ready to work with the City and looks forward to being a part of this program.

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There being no other citizens wishing to be heard, the Mayor closed the Citizens Forum portion of the meeting.

Re: Appointments

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Jessica Weiss was appointed to a two-year term on the Advisory Commission on Public Education.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Mary McEachern was appointed to the Heritage Park Cooperative Board of Directors.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Dianne Fasolina was reappointed to a three-year term on the Landlord-Tenant Affairs Commission.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Donald Bokelman and Ira Walters were reappointed to one-year terms on the Rockville Seniors, Inc. Board of Directors.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Hala Jarrar, John Keith and Leslie Lesoon-Wood were appointed to three-year terms on the Science and Technology Commission.

Re: Approval of Minutes

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the minutes of Meeting No. 13-92 (April 6, 1992) were approved, as written.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the minutes of Meeting No. 14-92 (April 13, 1992) were approved, as written.

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Re: Consent Agenda

Councilmember Krasnow requested the removal of Item B and Councilmember Marrinan requested the removal of Item C from the Consent Agenda. Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the following Consent Agenda Item was approved:

- A. Acceptance of Application - Text Amendment Application T-125-92, Barman Enterprises, Applicant.

This application requests amendment to the Zoning Ordinance to allow commercial indoor recreational or entertainment establishments in the I-1, Service Industrial, Zone. If accepted by the Mayor and Council for processing, this text amendment will be transmitted to the Planning Commission for review and recommendation.

Re: Introduction of Ordinance to amend Chapter 10, "Floodplain Management" of the Rockville City Code.

This amendment is required by the Water Resources Administration of the Maryland Department of Natural Resources, to comply with federally mandated changes to the National Flood Insurance Program (NFIP).

Councilmember Krasnow had requested removal of this item (B) from the Consent Agenda in order to inquire as to whether these changes are being made to conform to FEMA (Federal Emergency Management Administration) regulations. Staff advised that because the City's regulations

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are stricter than state and federal requirements, many of the mandated changes are not applicable to the City. Some changes being made are fairly administrative in nature and represent a clarification in our law to recognize current practices of the City.

Councilmember Krasnow questioned the wording in the definition of development, "altering a stream course." Staff responded that this has been done in the past and does not represent a change. With respect to the expansion of the definition of "flood," staff commented that this definition has been followed in practice assuring Councilmember Krasnow that no substantive changes were being made without notice to the public.

Mayor Duncan noted that adoption of these provisions will allow the City to continue to participate in the National Flood Insurance Program resulting in lower flood insurance premiums for Rockville residents.

These changes must be reviewed by the regulatory agencies, and the City Manager advised that, if they require any changes, the ordinance will be resubmitted at a future meeting.

The Ordinance was duly introduced.

Re: Receipt of financial reports
summarizing the financial
results of City operations
for the period from July 1,
1991 through March 31,
1992.

Councilmember Marrinan had requested that this item (C) be removed from the Consent Agenda in order to note actions of the General Assembly affecting the City's revenues, including discontinuation of state distribution of franchise taxes, resulting in a loss of \$10,000 in anticipated revenue to the City. He also noted that, as a result of cutbacks in AFDC, the ability of some public housing tenants to pay their rent has been restricted, and, as a result, the Rockville Housing Authority

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expects to incur a \$20,000 shortfall. He wanted to make the public aware of the ripple effect of these state actions.

Re: Approval of waiver no. 11-92 for on-site stormwater management for the proposed drive-through addition to McDonald's restaurant, and acceptance of a \$5,200 contribution to the SWM fund.

Owner/developer, McDonald's Corporation, proposes to construct a drive-through and miscellaneous site improvements.

Waiver Category: II-A-3,4

Mr. Romer indicated that this request and the subsequent three waivers have been categorized according to the approved rating system and that he would be happy to answer any questions.

Discussion followed as to whether these waivers should be forwarded to the Stormwater Management Task Force for their comments. Mayor Duncan stated that the task force should be made aware of these requests and given the option of choosing whether or not they wish to comment.

Three of the waivers go to non-existing facilities. The McDonald's addition, which has been in the process for quite a while, would result in less impervious area. McDonald's would also provide on-site water quality through the use of oil grid separators.

Councilmember Krasnow expressed concern that the destination of the runoff from the McDonald's site is the Montrose Park facility which is not scheduled for construction until FY98, and, at this time, it is unclear whether we will be able to construct this facility in view of the wetlands

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impact. The Welty project would impact the Cabin John Creek which is already experiencing erosion problems.

For single-family homes, there is no requirement for on-site stormwater management. The City Manager stated that there are developments for which alternatives are limited, and the alternative of "no build" is contrary to the City's policy of facilitating quality construction.

Councilmember Robbins indicated that, given the issues raised, he would be more comfortable waiting to hear from the task force.

Mayor Duncan pointed out that, in the case of McDonald's and other redevelopment along Rockville Pike, there would be more porous area with less going into non-existing facilities.

It was agreed that all four waivers should be forwarded to the Stormwater Management Task Force so that they would have an opportunity to review the types of waivers being requested. The requests for waivers for the McDonald's addition, which will result in less impervious area, and the building addition at 5 Research Court where the runoff would be conveyed to an existing site will move forward tonight.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, waiver no. 11-92 for on-site stormwater management for the proposed drive-through addition to McDonald's restaurant was approved and a contribution to the SWM fund of \$5,200 accepted.

Re: Approval of waiver no. 12-92 for on-site stormwater management for a single-family house on Hectic Hill Lane, and acceptance of a \$6,000 contribution to the SWM fund.

Owner/developer, James Cromwell, Jr., proposes to

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construct a single-family house on the site.

Waiver Category: II-A-1,3

The Mayor and Council agreed to request comments from the SWM Task Force on this waiver which will be brought back on the May 11 agenda.

Re: Approval of waiver no. 13-92 for on-site stormwater management for a small single-family development at 9 East Argyle Street, and acceptance of a \$14,800 contribution to the SWM fund.

Developer, Welty Construction Company, proposes to resubdivide the site into three lots and construct single-family houses on the two vacant lots.

Waiver Category: II-A-2

The Mayor and Council agreed to request comments from the SWM Task Force on this waiver which will be brought back on the May 11 agenda.

Re: Approval of waiver no. 14-92 for on-site stormwater management for a building addition at 5 Research Court, and acceptance of a \$3,220 contribution to the SWM fund.

Developer, Rickman Construction Company, proposes to construct a building addition having a footprint area of 2,700 square feet.

Waiver Category: I-A-3,4

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Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, waiver no. 14-92 for on-site stormwater management for a building addition at 5 Research Court was approved and a contribution to the SWM fund of \$3,220 accepted.

Re: Adoption of Ordinance to grant Text Amendment Application T-121-91, Cycle Ventures, Inc., Applicant.

This amendment to the Zoning Ordinance would allow retail sales of bicycles as a permitted use in the C-1, local commercial, zone.

Ordinance No. 5-92

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Ordinance No. 5-92, the full text of which can be found in Ordinance Book No. 17 of the Mayor and Council, was adopted to grant Text Amendment Application T-121-91, Cycle Ventures, Inc., Applicant, to allow retail sales of bicycles as a permitted use in the C-1, local commercial, Zone.

Re: Adoption of Ordinance to amend Section 20-7, entitled "Single-Family Residential Collection," of Chapter 20 of the Rockville City Code.

This amendment will delete several detailed listings of materials and specific directions to be replaced with the published (and annually revised) Refuse Collection and Recycling Services regulations.

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Ordinance No. 6-92

Inasmuch as 40% of the current collection is now made at the curb, Councilmember Krasnow inquired as to the impact of this ordinance on the remaining 60% of pickups at other locations. The City Manager advised that there is no change in the current pickup schedule or location. Other than recyclables, rear and side yard collections will continue. This action will merely bring the ordinance into conformance with the City's actual practices with the rules and regulations governing refuse and recycling being the controlling document.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Ordinance No. 6-92, the full text of which can be found in Ordinance Book No. 17 of the Mayor and Council, was adopted to amend Section 20-7, entitled "Single-Family Residential Collection" of Chapter 20 of the Rockville City Code to replace detailed listings of materials and specific directions with the published (and annual revised) Refuse Collection and Recycling Services regulations.

Re: Motion to approve lease between the City and the Montgomery County Historical Society for the Society's use of the Beall-Dawson House at 103 West Montgomery Avenue.

This lease provides for a continued relationship between the City and the Society for the use of this property. The Society maintains the interior of the premises, and the City is responsible for outside maintenance.

The City Manager stated that it is a pleasure to renew this mutually beneficial relationship with the Montgomery County Historical Society. The new 10-year lease basically

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continues the current relationship unless canceled at the option of either party or renegotiated. The Society is free to charge for use of the Beall-Dawson House; however, the lease provides free use of the facility to the City for events twice a year.

Mayor Duncan stated that the Beall-Dawson House is looking better than it has in a long time. This is a valuable resource, and the City is happy to be able to use it.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the lease between the City and the Montgomery County Historical Society for the Society's use of the Beall-Dawson House was approved.

Re: Adoption of Resolution to establish an Affordable Housing Demonstration Program Task Force whose members will be appointed by the Mayor and Council.

The City of Rockville, along with ten other cities across the country, was selected by the National Association of Realtors and the U.S. Conference of Mayors to participate in a national demonstration program for affordable housing. This task force will refine the proposed housing demonstration program and prepare guidelines for its administration. It will also be charged with establishment of a non-profit organization to operate the program.

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Resolution No. 4-92

Staff advised that the proposed task force will operate for six months in preparing guidelines for the affordable housing demonstration program and creating a non-profit organization to operate the program. Essentially, a three-prong approach is proposed to: (1) provide financial assistance for downpayments and settlement costs for the purchase of existing housing; (2) utilize City resources to develop a limited number of new homes at a cost affordable to households of less than moderate income; and (3) promote educational programs to assist households in making informed decisions in purchasing and maintaining housing. An oversight group will be created to review the City's regulatory policies as they affect development of housing. The City's housing fund will provide the necessary monies for this program, and Councilmember Robbins was advised that there is currently approximately \$500,000 in the fund.

Councilmember Marrinan noted that one member of the task force is former Councilmember Viola Hovsepian, and he is pleased that she will continue to serve the City in this capacity. Councilmember Krasnow stated that she is pleased to see this program underway.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Resolution No. 4-92, the full text of which can be found in Resolution Book No. 10 of the Mayor and Council was adopted, and the following individuals were appointed to the newly-created task force: Tim Knobloch, representing Montgomery County Association of Realtors; Cheryl Lampkin, representing the City Manager's Office; Kevin Deckard, Director of Finance for the City of Rockville; Brian Foster, Citizens Savings Bank, representing the banking/finance community; Karl Bell, I-270 Employers Group, representing the business community; Ardell Hilliard, Chairperson, Housing Authority Board of Commissioners, housing advocate, and Viola Hovsepian, citizen representative.

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Re: FYI/Correspondence

RBBA Opening Day

Councilmember Marrinan complimented staff and the new Recreation and Parks Director, Burt Hall, for the excellent condition of Dogwood Park playing fields for the RBBA opening.

Rockville Science Day

Councilmember Robbins reported that the third annual Science Day sponsored by the Rockville Consortium for Science (RCS) was outstanding with many innovative exhibits. He encouraged RCS to keep up the great work.

It was suggested by Mayor Duncan that the Senior Center be used next year if it will meet their needs, and he requested that staff follow up in this regard.

Re: New Business

Councilmember Krasnow reported that the grass is approximately 18 inches high in the State right-of-way by Falls Road.

Recently, the double yellow lines have been repainted on many City streets, and Mayor Duncan observed that there are four lines in some areas. He requested that staff follow up.

Re: Next Meeting

Worksessions with boards and commissions are scheduled for May 4, and the first public hearing on the FY93 budget will be held on May 5.

Re: Adjournment

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the meeting was adjourned at 8:30 p.m. to convene again in Worksession on Monday, May 4, 1992, at 7:00 p.m., or at the call of the Mayor.